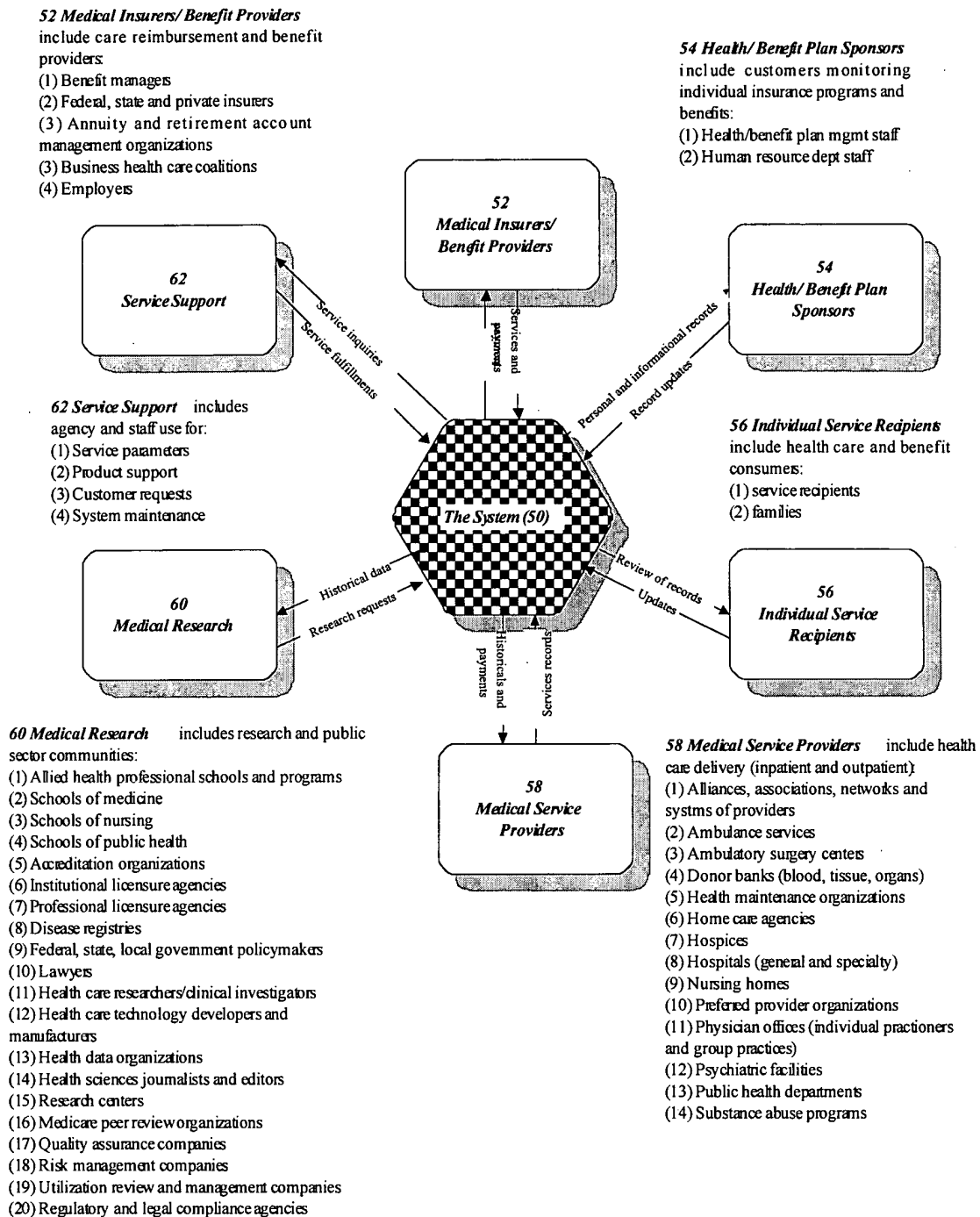


## **APPENDIX A**

### ***Method and System for Consolidating and Distributing Information***

The diagram below is the context level diagram for Johnson's "Method and System for Consolidating and Distributing Information." It is Fig. 3 of her patent with the defined users for each module, as described in her patent in the description for each element. It has been combined in this response to clarify for examiners the user base of her invention.

**Context Diagram  
with defined users**



## **Ertel**

Ertel's "Patient Data Quality Review Method and System" is only that, a system for reviewing diagnosis related groups (DRGs) for accuracy prior to receiving payment from the insurer. DRGs are defined by Medicare and other payers who have converted their reimbursement mechanism to the "prospective payment system." Ertel's system uses DRG groupers that are either commercially obtainable or are available as public domain documents or software and loads them into the "Grouper" programs files and tables (block 20) of his system diagram. In addition, Ertel's system requires loading of batch or individually entered patient data into block 12. He lists the fields that are loaded, but his system does not create the patient record. It only performs a batch analysis on the patient data according to

Reviewing Ertel's system against Johnson's context diagram above, the only entity relationship that is in common is "60 Medical Research – (16) Medicare peer review organizations."

## **Edelson/Mayaud**

Edelson/Mayaud's "Prescription Creation System" consists of a user interface with selection menus for the purpose of prescription writing only.

## **Cummings**

Cummings attempted to solve a different problem than did Johnson. In his 'Background of the Invention', Cummings specifically states the purpose and use of his proposed system in his discussion of other patents: "they have not integrated important elements of total health care such as comprehensive preventive health measures, the review of the necessity for implementing selected procedures including changes in life styles, the obtaining of second opinions (i.e., utilization review/case management) and other functions contemplated by total health management as ancillary services. Neither have they included integration of the active participation by a patient's employer or inclusion of a patient's own cash balances." As is evident from this paragraph, the purpose of Cummings' invention is focused on the process at the physician office and does not address the full health-care value chain as does Johnson's invention.

In Cummings' description of the drawings, it becomes evident that he is defining a procedure for a physicians' office during a health care episode, rather than defining a health care infrastructure, which is Johnson's invention. His figures 5-11 are step-by-step procedures which do not show how any system processing would be accomplished. His figures 1 and 3, although they refer to "processing system" have not defined anything that could be used for the development of a system. The files he notes in figure 1 have no definitions, no databases nor keys

by which data could be retrieved, and no processes for the creation, update and management of any data. Through his description, there are only vague references to the files with conflicting comments on what would be contained in them. It is through this conflict of content, in conjunction with his comment on page 7, lines 5-7 that it becomes apparent what he means by the term "file". In his reference to Physician File 44: "each individual physician may tailor a portion of his file to include additional items which reflect his own style and preferences." In another comment, on 9, lines 34-38, he states: "Also accessed are the participant's (patient's) charts and historical records. This is indicated by rectangle 105. As mentioned above, patient's medical charts and records are preferably stored in the physician's files 44." This shows that his definition of file is not a structured datastore, but is instead an unstructured file which would operate as a note file. How would anyone find anything? It's like saying that you would write something on paper and put it into a warehouse with no filing and retrieval method. Under the Cummings plan, either anyone who could log onto his generic "processing system 10" could access anything or a processing system is only for a single physician, because there is no method defined which could enable multiple caregivers to have access to centralized patient records and have those records both secure and identifiable. There are no formats or procedures nor any structure or access for anything in figures 1 or 3 and there are no definitions of entities or of any functions for these entities. There are only boxes labeled "insurance companies 24", "banks 27" and "employer 28" and some kind of magical and unidentified interaction between them. Within the Cummings proposal the claimed features are lacking. Major modifications would

be necessary to create a system which would support the functionality Cummings would need for his physician procedure, which as discussed before, is really what he is patenting. In addition, even with the claims he is making (which are not operable according to his art) there is no comparison with the features in Johnson's system. Cummings could access Johnson's infrastructure to make his interface operable, but his patent is not operable on its own.

### **Pitroda**

In Pitroda's "Universal Electronic Transaction Card" Pitroda is defining a single card which would be used by multiple entities. His card uses touch sensitivity to select the account. In his background, Pitroda states, "The UET card of the present invention is capable of functioning as a number of different credit cards or other transaction or identification cards, which provides the user of the UET card with the capability of selecting one of many such cards for use in a particular transaction." What does it matter what he says the card is useful for; a card is not magic. It only operates as part of a processing infrastructure. The card itself is not a processor, but is a storage device. His statement in 2, lines 62-66 disclose this misunderstanding of component capabilities: "The UET card is also capable of processing transactional information and communicating with central processing units or computers operated by the providers of services, such as credit card institutions, banks, health care providers, retailers, wholesalers or other providers of goods or services." What Pitroda has patented is just one of many available devices which could be contracted for use for Johnson's

invention, just as one could contract for any one of available central host processors or terminals or card readers. These hardware components are simply elements which can be deployed within the architecture (just as a number of companies can make a bolt which can be used in a car). The ICC or personal information device identified in Johnson's patent could be implemented with Gemplus, Schlumberger, Motorola, 3M or any other available technologies. Pitroda's patent, as defined, is non-functional technology. His basic product premise alone would not be workable given the processing security requirements and current operating regulations of the major credit card associations (something that Johnson knows very well through years of consulting and design work), namely the credit card associations require cards to carry their service marks as well as specified security, and this is unlikely to change anytime soon. Again, Pitroda's invention could be enabled to work in conjunction with Johnson's architectural infrastructure, but it could not operate alone; and Johnson's invention has nothing to do with his as Johnson's defines an application which would use available hardware components and is not attempting to patent the ICC card/ information device or any other hardware but is deploying it along with other components in the architectural application infrastructure, which Johnson's invention is patenting.

If Cummings and Pitroda's prior art is combined along with Ertel and Edelson, unlike the examiner's contention of the "obviousness" of Johnson's patent, the result as noted above for each of the examiner's references shows that the combined result would be inoperative.